

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MARK ANTHONY McFARLAND,)	
)	
Petitioner,)	
)	
vs.)	CIVIL NO. 06-059-JLF
)	
UNITED STATES PAROLE)	
COMMISSION and RANDY J. DAVIS,)	
)	
Respondents.)	

MEMORANDUM AND ORDER

FOREMAN, District Judge:

Petitioner filed this action pursuant to 28 U.S.C. § 2241 seeking good conduct credit against his aggregate federal sentence of 25 years. He also seeks leave to proceed *in forma pauperis*, and the Court finds that Petitioner is, in fact, indigent. Accordingly, the motion for leave to proceed *in forma pauperis* (Doc. 2) is **GRANTED**.

Two Respondents are named in this action. However, the only proper respondent in a habeas corpus petition is “the person having custody of the person detained.” 28 U.S.C. § 2243. Accordingly, the **UNITED STATES PAROLE COMMISSION** is **DISMISSED** from this action with prejudice.

IT IS HEREBY ORDERED that Respondent **DAVIS** shall, within twenty-three (23) days of receipt of this application for Writ of Habeas Corpus, answer and show cause why the writ should not issue. Service upon the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, shall constitute sufficient service.

IT IS FURTHER ORDERED that pursuant to Local Rule 72.1(a)(2), this cause is

referred to a United States Magistrate Judge for further pre-trial proceedings.

IT IS FURTHER ORDERED that this entire matter be referred to a United States Magistrate Judge for disposition, as contemplated by Local Rule 72.2(b)(2) and 28 U.S.C. § 636(c), *should all the parties consent to such a referral.*

IT IS SO ORDERED.

DATED: February 1, 2006.

s/ James L. Foreman

DISTRICT JUDGE